# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/765,491 | 01/26/2004 | Christopher Stewart | PD-203075 | 9546 |

20991      7590      01/21/2009
THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
CA / LA1 / A109
2230 E. IMPERIAL HIGHWAY
EL SEGUNDO, CA 90245

| EXAMINER |
|---|
| LIN, JASON K |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2425 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 01/21/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on *24 October 2008*.
2a) ☒ This action is **FINAL**.       2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) *1-13,38,39 and 49-56* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-13,38,39 and 49-56* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *26 January 2004* is/are:  a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1.      This office action is responsive to application No. 10/765,491 filed on 10/24/2008.

**Claims 1-13, 38-39, and 49-56** are pending and have been examined.

### Response to Arguments

2.      Applicant's arguments with respect to **claims 1-13, 38-39, 49-50** have been

considered but are moot in view of the new ground(s) of rejection.

Applicant's argument(s) is in regards to Rosenberg and Stumphauzer being

different types of personalized audio systems. However, in view of the new ground(s) of

rejection Rosenberg is mainly being applied for the use of a user input device providing

realtime feedback.

### Claim Rejections - 35 USC § 103

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

4.      **Claims 1-13, 38-39, and 49-56** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Halliday (US 2008/0140852), in view of Stumphauzer, II (US

2003/0014767), and further in view of Rosenberg et al (US 7,321,923).

Consider **claim 1**, Halliday teaches an interactive entertainment system

(Paragraph 0018, 0019) comprising:

a system server, said system server residing at the communication center

(server 130-Fig.1, 230-Fig.2; Paragraph 0020);

a system database, said system database residing at the communication

center and accessible by the system server (Paragraph 0020, 0022 teaches

database(s) which the server has access to and that it is stored at the

communication center);

a plurality of entertainment files stored on the system database, where the

system server retrieves the plurality of entertainment files for streaming

transmission over a respective plurality of channels in a first communication

network (Paragraph 0047 teaches multiple webcasters. Paragraph 0064 teaches

the webcaster may upload the entire work to the server where it is then stored

and later streamed to the Global Communication Network. Paragraph 0018

teaches multiple channels {stations or frequencies} provided over a Global

Communication Network);

a plurality of user entertainment systems receiving the streaming

transmission in the first communication network (Paragraph 0018 teaches a

receiver capable of receiving multiple channels {stations or frequencies} provided

over a Global Communication Network. Paragraph 0020, 0026, 0045 teaches

multiple users in communication with the server), each system comprising:

a user output device (110-Fig.1; Paragraph 0018, 0048 teaches a

receiving device where users can listen or view the song(s) or video(s));

Halliday does not explicitly teach user rating information for said

entertainment files for a plurality of users stored on the system database, where

the system server retrieves the unique user rating information for each of a

plurality of users for streaming transmission in the first communication network;

a receiver, where the receiver receives the unique user rating information,

reviews a current entertainment guide for the streaming entertainment files and is

selectively tuned to one of said plurality of channels in the first communication

network based on the user rating information to direct a preferred streaming

entertainment file to the user output device for playback of the streaming

transmission; and

a user input device, where said input device enables a user to interact with

the system server and the system database via the receiver, where the user

provides real time feedback regarding the user rating of said streaming

entertainment file to submit an updated user rating that is transmitted to the

communication center via a second communication network and stored on the

system database for retrieval during subsequent streaming.

In an analogous art Stumphauzer, teaches where the system server

retrieves the plurality of entertainment files for streaming transmission over a

respective plurality of channels in a first communication network (Paragraph

0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a

receiver 1040 - Fig.1.  The channels may contain different genre types of

content.  Paragraph 0015 teaches that programming can be any type of programming such as music, radio shows, television programs, etc.);

user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the first communication network (Paragraph 0032 teaches storing the playlist containing rating information for each desired song.  Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

a receiver, where the receiver receives the unique user rating information (Paragraph 0034-0035), reviews a current entertainment guide for the streaming entertainment files and is selectively tuned to one of said plurality of channels in the first communication network based on the user rating information to direct a preferred streaming entertainment file to the user output device for playback of the streaming transmission (Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played.  This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content), and;

user rating stored on the system database for retrieval during subsequent streaming (Paragraph 0034-0035 teaches transmitting and downloading the

playlist to the user device through multiple transmission methods, such as

satellite);

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify Rosenberg's system to include user rating information for said

entertainment files for a plurality of users stored on the system database, where

the system server retrieves the unique user rating information for each of a

plurality of users for streaming transmission in the first communication network; a

receiver, where the receiver receives the unique user rating information, reviews

a current entertainment guide for the streaming entertainment files and is

selectively tuned to one of said plurality of channels in the first communication

network based on the user rating information to direct a preferred streaming

entertainment file to the user output device for playback of the streaming

transmission, as taught by Stumphauzer, for the advantage of vastly improving a

listener's enjoyment of content, by allowing the system to automatically seek and

tune to desired selections without having the user constantly scan and flip

through channels (Stumphauzer - Paragraph 0003), allowing the user to

listen/view content with ease.

Halliday and Stumphauzer do not explicitly teach a user input device,

where said input device enables a user to interact with the system server and the

system database via the receiver, where the user provides real time feedback

regarding the user rating of said streaming entertainment file to submit an

updated user rating that is transmitted to the communication center via a second

communication network and stored on the system database.

In analogous art Rosenberg teaches a user input device, where said user

input device enables a user to interact with the system server and the system

database via the receiver, where the user provides real time feedback regarding

the user rating of said streaming entertainment file to submit an updated user

rating that is transmitted to the communication center via a second

communication network and stored on the system database (Col 10: lines 8-57

teaches the user providing real time feedback on the currently playing

entertainment file, which transmits an updated user rating to the server 280-

Fig.2. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams

and transmit data as well from any one of or a combination of mediums).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Halliday and Stumphauzer to include a user input

device, where said user input device enables a user to interact with the system

server and the system database via the receiver, where the user provides real

time feedback regarding the user rating of said streaming entertainment file to

submit an updated user rating that is transmitted to the communication center via

a second communication network and stored on the system database, as taught

by Rosenberg, for the advantage of allowing users to quickly rate content

immediately, eliminating possibilities where users may end up forgetting to rate

desired/undesired content and providing a unified and central location for storage of information, allowing for better organization and management.

Consider **claim 38,** Halliday teaches an entertainment system that enables the selective transfer of entertainment files (Figs.1, 2) comprising:

a system server, said system server residing at a communication center (server 130-Fig.1, 230-Fig.2; Paragraph 0020);

a system database, said system database residing at the communication center and accessible by the system server (Paragraph 0020, 0022 teaches database(s) which the server has access to and that it is stored at the communication center);

a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment files for streaming transmission over a plurality of channels in a first communication network (Paragraph 0047 teaches multiple webcasters.  Paragraph 0064 teaches the webcaster may upload the entire work to the server where it is then stored and later streamed to the Global Communication Network.  Paragraph 0018 teaches multiple channels {stations or frequencies} provided over a Global Communication Network);

a plurality of user entertainment system receiving the streaming transmission in the first communication network (Paragraph 0018 teaches a

receiver capable of receiving multiple channels {stations or frequencies} provided

over a Global Communication Network.  Paragraph 0020, 0026, 0045 teaches

multiple users in communication with the server), each system comprising:

a user output device (110-Fig.1; Paragraph 0018, 0048 teaches a

receiving device where users can listen or view the song(s) or video(s));

Halliday does not explicitly teach a receiver, where the receiver reviews a

current entertainment guide for the streaming files, ranks those files based upon

user rating information assigned by the user, and tunes to one of said plurality of

channels to direct a file that meets a user's preferences to the user output device

for playback of the streaming transmission; and

a user input device, where said user input device enables a user to press

a blocker key to block play of the retrieved and currently streaming entertainment

file without specifying a different entertainment file causing the receiver to first try

to select another entertainment file having a higher ranking than the blocked file

and if unsuccessful to select the next highest ranked entertainment file having a

ranking equal to or less than the blocked file, tune to the corresponding channel

and stream the selected entertainment file to the user output device.

In an analogous art, Stumphauzer teaches where a system server

retrieves a plurality of entertainment files for streaming transmission over a

plurality of channels in a first communication network (Paragraph 0021 teaches

numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 -

Fig.1.  The channels may contain different genre types of content.  Paragraph

0015 teaches that programming can be any type of programming such as music,

radio shows, television programs, etc.);

a receiver, where the receiver reviews a current entertainment guide for

the streaming files, ranks those files based upon user rating information assigned

by the user, and tunes to one of said plurality of channels to direct a file that

meets a user's preferences to the user output device for playback of the

streaming transmission (Paragraph 0022 teaches the PDT contains information

about programming currently being broadcast and to be broadcasted on each

channel.  Paragraph 0046-0050 teaches automatically tuning to the specified

channel containing content with a rank higher than the current content being

played.  This is done by comparing the PDT {guide} with the user playlist {user's

preferences} and matching the corresponding preferred content);

first selecting another entertainment file having a higher ranking than the

blocked file, tune to the corresponding channel and stream the selected

entertainment file to the user output device (Paragraph 0049-0050 teaches

selecting and tuning to an entertainment file having a higher ranking than the

blocked file).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify Halliday's system to include a receiver, where the receiver reviews

a current entertainment guide for the streaming files, ranks those files based

upon user rating information assigned by the user, and tunes to one of said

plurality of channels to direct a file that meets a user's preferences to the user

output device for playback of the streaming transmission; first selecting another

entertainment file having a higher ranking than the blocked file, tune to the

corresponding channel and stream the selected entertainment file to the user

output device, as taught by Stumphauzer, for the advantage of vastly improving a

listener's enjoyment of content, by allowing the system to automatically seek and

tune to desired selections without having the user constantly scan and flip

through channels (Stumphauzer - Paragraph 0003), allowing the user to

listen/view content with ease.

      Halliday and Stumphauzer do not explicitly teach a user input device,

where said user input device enables a user to press a blocker key to block play

of the retrieved and currently streaming entertainment file without specifying a

different entertainment file causing the receiver to first try to select another

entertainment file, selecting the next highest ranked entertainment file having a

ranking equal to or less than the blocked file.

      In an analogous art, Rosenberg teaches a user input device, where said

user input device enables a user to press a blocker key to block play of the

retrieved and currently streaming entertainment file without specifying a different

entertainment file causing the receiver to first try to select another entertainment

file, selecting the next highest ranked entertainment file having a ranking equal to

or less than the blocked file (Col 5: lines 44-54 teaches a user interface including

input devices that allow the user to input commands and make selections.  Col

10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. *The blocker key can be a key on the input device that allows the user to issue the block command*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Halliday and Stumphauzer to include a user input device, where said user input device enables a user to press a blocker key to block play of the retrieved and currently streaming entertainment file without specifying a different entertainment file causing the receiver to first try to select another entertainment file, selecting the next highest ranked entertainment file having a ranking equal to or less than the blocked file, as taught by Rosenberg, for the advantage of allowing users to quickly rate content immediately, eliminating possibilities where users may end up forgetting to rate desired/undesired content, providing users with greater control over their entertainment experience allowing them to cease play of undesired content be provided with more desirable content at a push of a button, creating a more pleasant and complication free system for the user.

**Consider claim 49**, Halliday teaches a method of transmitting entertainment files (Figs.1, 2; Paragraph 0018, 0064) comprising the steps of:

a. storing a plurality of entertainment files on a database (Paragraph 0020 teaches databases on a server. Paragraph 0047 teaches multiple webcasters.

Paragraph 0064 teaches the webcaster may upload the entire work to the server where it is then stored and later streamed to the Global Communication Network);

c. streaming a plurality of entertainment files on a respective plurality of channels to the receiver via the first communications network and at each of a plurality of user receiver sites (Paragraph 0018 teaches a receiver capable of receiving multiple channels {stations or frequencies} provided over a Global Communication Network. Paragraph 0020, 0026, 0045 teaches multiple users in communication with the server).

e. directing the streaming entertainment file from the receiver output to a user output device that plays the streaming entertainment file (110-Fig.1; Paragraph 0018, 0048 teaches a receiving device where users can listen or view the song(s) or video(s)); and

Halliday does not explicitly teach storing unique user rating information for a plurality of users on a database;

b. streaming the user rating information for said plurality of users via first communications network to the receiver;

d. selectively tuning an input of the receiver to one of said channels to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output;

f. providing real time user feedback regarding the user rating of said

streaming entertainment file to submit an updated user rating; and

g. transmitting the user feedback via a second communication network to

store the updated user rating on the database for subsequent streaming.

In an analogous art Stumphauzer teaches, streaming a plurality of

entertainment files on a respective plurality of channels to the receiver via the

first communication network (Paragraph 0021 teaches numerous channels

transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. The channels

may contain different genre types of content. Paragraph 0015 teaches that

programming can be any tytpe of programming such as music, radio shows,

television programs, etc.);

storing unique user rating information for a plurality of users on a database

((Paragraph 0032 teaches storing the playlist containing rating information for

each desired song);

b. streaming the user rating information for said plurality of users via first

communications network to the receiver (Paragraph 0017 teaches a plurality of

receivers 1040. Paragraph 0034-0035 teaches transmitting and downloading the

playlist to the user device through multiple transmission methods, such as

satellite);

d. selectively tuning an input of the receiver to one of said channels to

retrieve one of the entertainment files based upon the user rating information on

the currently streaming files and directing the retrieved file to a receiver output

(Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

g. subsequent streaming of user ratings (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Halliday's system to include, storing unique user rating information for a plurality of users on a database; b. streaming the user rating information for said plurality of users via first communications network to the receiver; d. selectively tuning an input of the receiver to one of said channels to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output; g. subsequent streaming of user ratings, as taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease.

Halliday and Stumphauzer do not explicitly teach f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating; and

g. transmitting the user feedback via a second communication network to store the updated user rating on the database.

In an analogous art, Rosenberg teaches f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating (Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2); and

g. transmitting the user feedback via a second communication network to store the updated user rating on the database (Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2.  Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Halliday and Stumphauzer to include f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating; and g. transmitting the user feedback via a second communication network to store the updated user rating on the database, as taught by Rosenberg, for the advantage of allowing users to quickly rate content immediately, eliminating possibilities where users may end up forgetting to rate desired/undesired content and providing a unified and central location for storage of information, allowing for better organization and management.

Consider **claim 2**, Halliday, Stumphauzer, Rosenberg teach said plurality of entertainment files contain audio content (Halliday – Paragraph 0018, 0030 teaches programming can be audio or video such as MPEG, PG, WAV, as well as high definition television).

Consider **claim 3**, Halliday, Stumphauzer, Rosenberg teach said plurality of entertainment files contain video content (Halliday – Paragraph 0018, 0030 teaches programming can be audio or video such as MPEG, JPG, WAV, as well as high definition television).

Consider **claim 4**, Halliday, Stumphauzer, Rosenberg teach said plurality of entertainment files contain both video and audio content (Halliday – Paragraph 0018, 0030 teaches programming can be audio or video such as MPEG, JPG, WAV, as well as high definition television).

Consider **claim 5**, Halliday, Stumphauzer, Rosenberg teach said audio content includes songs (Halliday – Paragraph 0018, 0030 teaches audio content such as songs that can be received from the Global Communication Network).

Consider **claim 6**, Stumphauzer further teaches said songs include a plurality of music genres (Paragraph 0021 teaches many channels that contain "different genres, such as: country; Top; contemporary; classical; rhythm and blues...").

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Halliday, Stumphauzer, Rosenberg to include said songs include a plurality of music genres, as further taught by Stumphauzer, for the advantage of satisfying the diverse listening preferences of different users.

Consider **claim 7**, Stumphauzer further teaches a plurality of music genres are categorized (Paragraph 0028 teaches that a specific selection of songs could be "artists from the eighties, or baroque classical music." Paragraph 0029 teaches music can be ranked with numbers, with the higher number taking precedence over the smaller one. As shown on Fig. 6, the plurality of music can be prioritized according to rank selections Fig. 6, 6070, thereby categorized by rank) and streamed for listening through the user output device (Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Halliday, Stumphauzer, Rosenberg to include a

plurality of music genres are categorized and streamed for listening through the

user output device, as further taught by Stumphauzer, for the advantage of

organizing content to provide the user desired playback in an efficient manner.


Consider **claim 8**, Halliday, Stumphauzer, Rosenberg teach said video

and audio content includes televised programming (Halliday – Paragraph 0018,

0030 teaches programming can be audio or video such as MPEG, JPG, WAV, as

well as high definition television).


Consider **claim 9**, Halliday, Stumphauzer, Rosenberg teach said reception

device provides two way communications between the user and the system

server via a bi-directional network that includes the first and second

communication networks (Halliday – Paragraph 0014 teaches a multitude of

mediums such as internet, extranent, intranet, satellite, etc.  Paragraph 0018,

0019 teaches receiving data streams and user interaction with the server.

Rosenberg - Fig.2; Col 5: lines 24-35 teaches the receiver can receive data

streams and transmit data as well from any one of or a combination of

mediums.).


Consider **claim 10**, Halliday, Stumphauzer, Rosenberg teach where said

first and second communication networks are different networks (Halliday -

Paragraph 0018, 0014 teaches receiving data over multiple channels.

Rosenberg - Fig.2; Col 5: lines 24-35 teaches the receiver can receive data

streams and transmit data as well from any one of or a combination of mediums).

Consider **claim 11**, Halliday, Stumphauzer, Rosenberg teach where said

first communication network is a satellite broadcasting system (Halliday –

Paragraph 0014, 0018 teaches users can receive song(s) or video(s) from

satellite).

Consider **claim 12**, Halliday, Stumphauzer, Rosenberg teach where the

second communication network is an internet connection (Halliday – Paragraph

0014 teaches a multitude of communication mediums used in the GCN.

Rosenberg - Fig.2; Col 5: lines 24-35 teaches the receiver can receive data

streams and transmit data as well from any one of or a combination of mediums,

wherein one of the mediums can be through a network (e.g. the Internet)).

Consider **claim 13**, Stumphauzer further teaches said reception device

includes a user database (Stumphauzer - Paragraph 0020 teaches a storage

device Fig.2, 2180 at the receiver that contains a user playlist).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Halliday, Stumphauzer, Rosenberg to include said

reception device includes a user database, as further taught by Stumphauzer, for

the advantage of providing efficient and instant access to data for the user.

Consider **claim 39**, Halliday, Stumphauzer, Rosenberg teaches wherein

said user rating information is stored on the system database (Rosenberg - Col

7: lines 3-13 teaches profiles corresponding to a user's preferences stored at

remote server 280-Fig.2.  A database would be necessary in order to hold all the

different user profiles at the system server; Stumphauzer - Paragraph 0032

teaches storing the playlist containing rating information for each desired song)

and retrieved for streaming transmission in the first communication network

(Stumphauzer - Paragraph 0034-0035 teaches transmitting and downloading the

playlist to the user device through multiple transmission methods), said user

input device enables a user to interact with the system server and the system

database via the receiver, where the user provides real time feedback including

blocking and rating said entertainment files to update the user rating information

stored on the system database for retrieval during subsequent streaming

(Rosenberg – Col 19: lines 28-30, 34-39 teaches streaming entertainment files to

the client from the server.  Col 10: lines 5-40 teaches allowing the user to rate the

entertainment file that is being played.  Col 10: lines 41-57 teaches allowing the

user to block the current playing entertainment file, where upon blocking another

entertainment file is selected to be reproduced.  Col 10: lines 14-20, 50-55

teaches sending an updated user rating to the system server to update the user

profile. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted

from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. Paragraph 0046-0050

teaches automatically tuning to the specified channel containing content with a

rank higher than the current content being played. This is done by comparing the

PDT {guide} with the user playlist {user's preferences} and matching the

corresponding preferred content. Paragraph 0034-0035 teaches transmitting and

downloading the playlist to the user device through multiple transmission

methods, such as satellite).


Consider **claim 50**, Halliday, Stumphauzer, Rosenberg teach wherein said

user feedback includes nothing, blocking and rating the currently streaming

entertainment file, said receiver responding to the do nothing or rating by

continuing to stream the current entertainment file and responding to the blocking

by tuning to a next channel (Rosenberg – Col 19: lines 28-30, 34-39 teaches

streaming entertainment files to the client from the server. Col 10: lines 5-40

teaches allowing the user to rate the entertainment file that is being played. The

user can also choose not to input any rating or blocking, therefore during no

action and rating, the entertainment file continues to play unchanged. Col 10:

lines 41-57 teaches allowing the user to block the current playing entertainment

file, where upon blocking another entertainment file is selected to be reproduced.

Halliday - Paragraph 0018, 0014 teaches receiving data over multiple channels).

Consider **claim 51**, Halliday, Stumphauzer, Rosenberg teach that said

user rating information comprise ratings assigned by that user to said

entertainment files (Stumphauzer - Paragraph 0029 teaches a ranking for each

program on the user playlist), said receiver reviewing the currently streaming

entertainment files, ranking those files based upon their ratings and retrieving the

file that meets user's preferences (Stumphauzer - Paragraph 0022 teaches the

PDT contains information about programming currently being broadcast and to

be broadcasted on each channel. Paragraph 0046-0050 teaches automatically

tuning to the specified channel containing content with a rank higher than the

current content being played. This is done by comparing the PDT {guide} with

the user playlist {user's preferences} and matching the corresponding preferred

content).

Consider **claim 52**, Halliday, Stumphauzer, Rosenberg teach that said

receiver reviews a current entertainment guide provided for the streaming

entertainment files to rank the files (Stumphauzer - Paragraph 0022 teaches the

PDT contains information about programming currently being broadcast and to

be broadcasted on each channel. Paragraph 0046-0050 teaches automatically

tuning to the specified channel containing content with a rank higher than the

current content being played. This is done by comparing the PDT {guide} with

the user playlist {user's preferences} and matching the corresponding preferred

content).

Consider **claim 53**, Halliday, Stumphauzer, Rosenberg teach that said

current entertainment guide is transmitted over the first communication network

(Stumphauzer - Paragraph 0021 teaches transmitting channels of programming

over a satellite Fig.1, 1020, as several clusters.  Paragraph 0022 teaches that the

PDT that contains information about programming currently being broadcast and

to be broadcast on each channel is provided in each cluster).


Consider **claim 54**, Halliday, Stumphauzer, Rosenberg teach that said

receiver first determines if the streaming entertainment file on the current channel

has an acceptable rating and if acceptable continues to stream that

entertainment file to the user output device (Stumphauzer - Paragraph 0049-

0050 teaches if a rating of the current file is acceptable, the current program

continues to play), otherwise said receiver selects another higher rated

entertainment file, tunes to the corresponding channel and streams that higher

rated entertainment file to the user output device (Stumphauzer - Paragraph

0049-0050 teaches that if the program currently played can be interrupted, the

higher ranked program will automatically tuned to.  Paragraph 0018 teaches

processing a signal that provides broadcast output of the signal for listening by a

user.  Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output

device(s) Fig.2, 2170).

Consider **claim 55**, Halliday, Stumphauzer, Rosenberg teach wherein if
the user presses a blocker key on the user input device to block the current
streaming entertainment file without specifying a different entertainment file, said
receiver tries to select another entertainment file, selecting the next highest
entertainment file having a rating based on the user rating information equal to or
less than the current entertainment file (Rosenberg – Col 5: lines 44-54 teaches
a user interface including input devices that allow the user to input commands
and make selections. Col 10: lines 41-57 teaches allowing the user to block the
current playing entertainment file, where upon blocking another entertainment file
is selected to be reproduced. The blocker key can be a key on the input device
that allows the user to issue the block command)

Stumphauzer further teaches first selecting another entertainment file
having a higher rating based on the user rating information, tunes to the
corresponding channel and streams that next highest rated entertainment file to
the user output device (Stumphauzer - Paragraph 0049-0050 teaches selecting
and tuning to an entertainment file having a higher ranking than the blocked file).

Therefore, it would have been obvious to a person of ordinary skill in the
art to modify the system of Halliday, Stumphauzer, Rosenberg to include first
selecting another entertainment file having a higher rating based on the user
rating information, tunes to the corresponding channel and streams that next
highest rated entertainment file to the user output device, as further taught by
Stumphauzer, for the advantage of vastly improving a listener's enjoyment of

content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease. Therefore, in the combination of Halliday, Stumphauzer, Rosenberg, a file with a higher rating is tuned to first, but if not present (if unsuccessful), it defaults to selecting another entertainment file equal or less than the blocked file to be outputted.

Consider **claim 56**, Halliday, Stumphauzer, Rosenberg teach wherein said receiver is tuned to one said channel and stream the corresponding entertainment file to the user output device, said user input device enables the user to do nothing, block and rate the currently streaming entertainment file, said receiver responding to the do nothing or rating by continuing to stream the current entertainment file and responding to the block by tuning to a next channel (Rosenberg – Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Col 10: lines 5-40 teaches allowing the user to rate the entertainment file that is being played. The user can also choose not to input any rating or blocking, therefore during no action and rating, the entertainment file continues to play unchanged. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver

1040 - Fig.1. Paragraph 0046-0050 teaches automatically tuning to the specified

channel containing content with a rank higher than the current content being

played. This is done by comparing the PDT {guide} with the user playlist {user's

preferences} and matching the corresponding preferred content), said rating and

blocking being feedback to update the user rating information stored on the

system database (Rosenberg – Col 10: lines 14-20, 50-55 teaches sending an

updated user rating to the system server to update the user profile).


### *Cited Prior Art*

5.      The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        Meyers discloses an input device that contains a multi-position switch that

allows the user to input five categories of preferences for an entertainment file,

(1) play this a lot, (2) play this more often, (3) Rest/Neutral, (4) Play this less

often, (5) never play this again in (US 7,031,931).


### *Conclusion*

6.      Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JASON K. LIN whose telephone number is (571)270-

1446.  The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian T. Pendleton can be reached on (571)272-7527.  The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Lin/

Examiner, Art Unit: 2425


/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425